

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE:

CASE: R18-40878-BEM

**EDWARD CURTIS HANEY
KATRINA DIANE HANEY**

CHAPTER 13

JUDGE BARBARA ELLIS-MONRO

Debtors.

Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

COMES NOW K. EDWARD SAFIR, Standing Chapter 13 Trustee herein, and files this his Motion to Dismiss Case for Failure to Make Plan Payments, respectfully showing the Court the following.

1.

The Debtors filed for relief under Chapter 13 of Title 11 on April 16, 2018.

2.

The Debtors have failed to comply with the terms of the confirmed plan. As of February 07, 2023, the Debtors should have paid \$8,440.00. The Debtors have paid a total of \$7,350.00, causing a delinquency of \$1,090.00.

3.

The Debtors' case will extend longer than sixty (60) months, contrary to 11 U.S.C. § 1322(d).

WHEREFORE, the Chapter 13 Trustee requests this case be dismissed.

Dated: 2/14/2023

Respectfully submitted,

/s/
K. Edward Safir, Standing Chapter 13 Trustee
GA Bar No. 622149
285 Peachtree Center Ave, Suite 1600
Atlanta, GA 30303-1229
eds@atlch13tt.com

**UNITED STATES BANKRUPTCY COURT
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IN RE:

CASE: R18-40878-BEM

**EDWARD CURTIS HANEY
KATRINA DIANE HANEY**

CHAPTER 13

JUDGE BARBARA ELLIS-MONRO

Debtors.

Notice of Hearing on Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

PLEASE TAKE NOTE that the Chapter 13 Trustee has filed a Motion to Dismiss Case for Failure to Make Plan Payments with the Court seeking an order of dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold an initial telephonic hearing for announcements on the Motion to Dismiss Case at the following number: toll-free number: (833) 568-8864; meeting ID 1608620914, at 9:45 AM on April 05, 2023 in Courtroom 342, United States Courthouse, 600 East First Street, Rome, GA 30161.

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, www.ganb.uscourts.gov, for more information.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's

Office is Clerk, U. S. Bankruptcy Court, 600 East First Street, Room 339, Rome, GA 30161.

You must also mail a copy of your response to the undersigned at the address stated below.

Dated: 2/14/2023

Respectfully submitted,

/s/
K. Edward Safir, Standing Chapter 13 Trustee
GA Bar No. 622149
285 Peachtree Center Ave, Suite 1600
Atlanta, GA 30303-1229
eds@atlch13tt.com

R18-40878-BEM

CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

EDWARD CURTIS HANEY
515 UNION GROVE CHURCH RD SE
CALHOUN, GA 30701

KATRINA DIANE HANEY
515 UNION GROVE CHURCH RD SE
CALHOUN, GA 30701-3725

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

RICKMAN & ASSOCIATES, PC

Dated: February 14, 2023

Respectfully submitted,

/s/
K. Edward Safir, Standing Chapter 13 Trustee
GA Bar No. 622149
285 Peachtree Center Ave, Suite 1600
Atlanta, GA 30303-1229
(404) 525-1110
eds@atlch13tt.com